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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/648,107      | 08/26/2003  | David Michael O'Brien | 17028-US            | 3140             |

7590 01/19/2005  
Kevin J. Moriarty  
Patent Department  
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EXAMINER

NOVOSAD, CHRISTOPHER J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3671

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/648,107             |  | O'BRIEN ET AL.      |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Christopher J. Novosad |  | 3671                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16 and 19 is/are rejected.
- 7) ☒ Claim(s) 17,18,20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/26/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kovacs.

*Regarding claim 16*, Kovacs (Figs. 1A-1C) discloses a loader linkage comprising:

a loader frame (unnumbered portion of tractor/vehicle T which is integrally connected to the flange members 12-15,37,38 in Figs. 1A-1C);

a boom (lift arms 18,19) having a loader end (20,21) and an attachment end (22,23), a middle portion (unnumbered) being located between the loader and attachment ends, the loader end (20,21) of the boom (18,19) being pivotally coupled to the loader frame (unnumbered, as noted above) by a boom pivot (16,17);

an attachment (B) is pivotally coupled (at 24,25) to the attachment end (22,23) of the boom (18,19) and having an angular position relative to the boom (18,19);

an attachment tilt linkage (35) controls the angular position of the attachment (B) relative to the boom (18,19), the attachment tilt linkage (35) comprises a floating bell crank (knuckle 36,40,41,44) that is pivotally coupled (at 39) to the loader frame (unnumbered) independent of the boom (18,19), the floating bell crank (36) having drive end (40,42, Fig. 1C) and a driven end (45, Fig. 1C), a linear actuator (48) extends between the loader frame (unnumbered) and the driven end (45) of the floating bell crank (36) for pivoting the floating bell crank (36), an

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attachment link (50, Figs. 1B, 1C) is pivotally coupled (at 54) to the drive end (40,42) of the floating bell crank (36) and extends to the attachment (B) for controlling the angular position of the attachment (B) relative to the boom (18,19).

*Regarding claim 19*, Kovacs discloses a work vehicle (Figs. 1A-1C, col. 5, lines 20-25) for performing a work operation, the work vehicle comprising:

a frame (unnumbered portion of tractor/vehicle T);

ground engaging means (unnumbered, see col. 3, lines 22-25 and col. 5, line 24

regarding the use of tractors, bulldozers and skid-steered tractors which would necessarily have ground-engaging means) for supporting and propelling the frame (unnumbered);

a mast (upwardly-extending flange members 12-15, 37,38 (Figs. 1A-1C) extending upwardly from the frame (unnumbered);

a boom (lift arms 18,19) having a loader end (20,21) and an attachment end (22,23), a middle portion (unnumbered) being located between the loader and attachment ends, the loader end (20,21) of the boom (18,19) being pivotally coupled to the loader frame (unnumbered, as noted above) by a boom pivot (16,17);

an attachment (B) is pivotally coupled (at 24,25) to the attachment end (22,23) of the boom (18,19) and having an angular position relative to the boom (18,19);

an attachment tilt linkage (35) controls the angular position of the attachment (B) relative to the boom (18,19), the attachment tilt linkage (35) comprises a floating bell crank (knuckle 36,40,41,44) that is pivotally coupled (at 39) to the loader frame (unnumbered) independent of the boom (18,19), the floating bell crank (36) having drive end (40,42, Fig. 1C) and a driven end (45, Fig. 1C), a linear actuator (48) extends between the loader frame (unnumbered) and the

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driven end (45) of the floating bell crank (36) for pivoting the floating bell crank (36), an attachment link (50, Figs. 1B, 1C) is pivotally coupled (at 54) to the drive end (40,42) of the floating bell crank (36) and extends to the attachment (B) for controlling the angular position of the attachment (B) relative to the boom (18,19).

***Allowable Subject Matter***

Claims 1-15 are allowed.

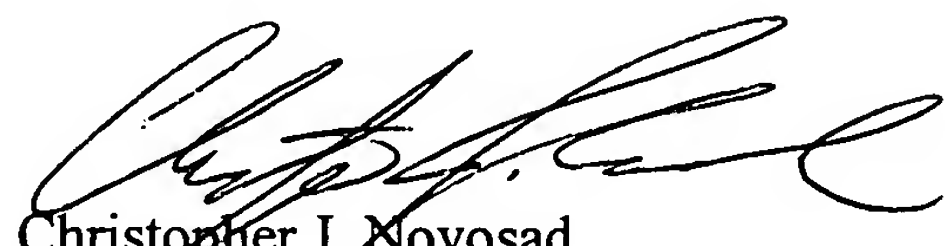
Claims 17, 18, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad  
Primary Examiner  
Art Unit 3671

January 13, 2005